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PATENT

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TRADE RECEIVABLE PROCESSING METHOD AND APPARATUS

DESCRIPTION

Related Applications

This application claims the benefit of U.S. Provisional Application Serial No. 60/224,706, filed August 11, 2000, and incorporated herein by reference.

Technical Field

The present invention relates generally to a trade receivable processing method and apparatus, and in particular, to a method and apparatus such as a clearing center for performing one or more services related to tracking summary receivable and payable information, and matching, negotiating, trading, financing, and settling payments for accounts payable and accounts receivable between trading partners and finance providers.

Background of the Invention

Typically, as shown in FIGURE 1, upon the receipt and initial processing of a purchase order (typically paper), the seller of the goods (Company A) ships the goods to the buyer/customer (Company B), and mails to the buyer (Company B) an invoice. Terms of payment are stated on the invoice, with mailing instructions--typically to a lockbox address if Company A has sufficient volume. Costs incurred by Company A to

invoice include printing, envelopes, and mailing. Costs to Company B include creating and printing the check, envelope and mailing costs.

The lockbox bank, on behalf of Company A, receives the mail sent to the lockbox, opens the envelopes, sorts out the non-invoice letters, sorts invoices, deposits the checks, and sends to Company A the non-invoice letters. In addition, the lockbox bank sends to Company A information regarding invoices and the checks it received and deposited (this information can be sent either electronically or manually). Company A must then compare the data received from the lockbox bank with its own records (accounts receivable ledger), and determine/resolve payment discrepancies (different payment amounts received), as well as resolve disputes and slow-pay situations. A significant amount of the time spent by Company A's receivable department is resolving these payment discrepancies.

Depending on the industry, it is not uncommon that 5-10% of the payments received do not match the invoiced amount, and 2-4% cannot be easily resolved and reconciled (i.e., are easily identifiable as an agreed upon payment discount, volume rebate, etc.). It is very common that the difficult reconciliation problems are the result of communication issues between Company B, the sales force of Company A and its invoicing department, or with return goods. Unresolved items may be outstanding for 90 days or longer before being reconciled, thus the receivable portfolio statistics for many companies are distorted.

If Company A wishes to borrow money against its accounts receivable, or wishes to securitize its accounts receivables, a lender or investor will spend a significant amount of time analyzing the difference between the invoiced amounts and the actual payments received, and focus on the unusual or difficult reconciliation situations. If there are a lot of discrepancies that either cannot be predicted, or take a long time to resolve, the lenders and investors will require additional collateral, or a higher yield to offset the uncertainty. In addition, legal steps to protect the financier or purchaser are time consuming.

Currently, there is not a clearinghouse process that accomplishes a process of matching and reconciliation of payables and receivables information flow between trading partners, allows and facilitates communication between companies regarding specific invoice agreements and adjustments prior to payment, as well as creates a method to finance the payment flows, taking into account legal and cash domain issues.

Nevertheless, large and middle market companies are struggling to efficiently manage their working capital, while trying to reduce borrowing costs, banking fees, and treasury management costs (overall receivable and payable management costs). Current providers of traditional treasury management products continue to lower standard transaction costs, for payment remittance and receivable collection activity, but this does not address the financing inefficiencies in the current method.

Many companies have funding programs in place based on secured, borrowing bases against receivables, or have sold or securitized their receivables in the capital markets. The continuing growth in the securitization of trade receivables will be dependent upon the ability to improve the efficiency of disseminating trade receivable information and controlling, and/or consolidating, payment methods. In addition, the factoring industry would also be positively and profoundly affected by a more efficient method, such as a clearing center to trade receivable information and cash-flows.

Likely results of a clearinghouse for trade receivables would be more standardized financing documentation and structures, more efficient legal and operational segregation of cash flows, as well as efficiencies that will result in better financing terms for secured borrowers, sellers of receivables, and capital market issuers alike.

Summary of the Invention

The present invention provides a method and apparatus, such as a clearing center, or central repository of electronic data, for the reconciliation of payable and receivable information, settlement of trade obligations, the financing of receivables, and trading of account receivables and derivations.

One embodiment of the present invention is directed to a method of utilizing an Internet (i.e., decentralized global computer network) based receivable clearinghouse for facilitating a transaction involving invoice information, replacing the need for a separate invoice to be sent between trading partners. The invoice information is sent electronically to the receivable clearinghouse by a first participant. The clearinghouse stores the invoice information and generates an electronic version of the invoice. The invoice information is provided or made available by the clearinghouse to a second participant on behalf of the first participant. The electronic invoice information includes one or more payment terms wherein one term requires payment of the amount due under that specific invoice be sent to the receivable clearinghouse. Payments by the second participant are received at the clearinghouse and recorded. The first participant is credited with the receipt of the payment.

A further aspect of the present invention provides a process for modifying the one or more payment terms. A confirmation (formal agreement with like terms and obligations of the invoice) of the specific invoice can be provided by the second participant, and sent to the clearinghouse wherein the clearinghouse forwards the confirmation to the first participant. In response to the confirmation, one or more of the payment terms may be modified, i.e., discounted amount, or extended payment terms, etc.

Another aspect of the present invention provides for daily net settlements and reporting between the participant and the receivable clearinghouse covering all of its payables and receivables due to/from other participants.

Yet another further aspect of the present invention provides for a marketplace for the offering of financing or purchasing of receivables tracked by the clearinghouse.

The offers can be predetermined or confidential, e.g., "blind," arrangements extended to participants owning receivables.

Other features and advantages of the invention will be apparent from the following specification taken in conjunction with the following drawings.

Brief Description of the Drawings

FIGURE 1 is a simplified flow diagram of a prior art standard trade receivable payment process;

FIGURE 2 is a simplified flow diagram of a business transaction utilizing a trade receivable clearing process in accordance with the present invention; and,

FIGURE 3 is a simplified block diagram of the trade receivable clearing process depicted in FIGURE 2.

Detailed Description of the Preferred Embodiment

While this invention is susceptible of embodiments in many different forms, there is shown in the drawings and will herein be described in detail a preferred embodiment of the invention with the understanding that the present disclosure is to be considered as an exemplification of the principles of the invention and is not intended to limit the broad aspect of the invention to the embodiment illustrated.

An embodiment of a business transaction utilizing a receivable clearinghouse 10 in accordance with the present invention is shown in FIGURES 2 and 3. Preferably, the clearinghouse 10 is Internet (i.e., decentralized global computer network) based and capable of interacting with several participants including suppliers, purchasers, and finance providers. Specifically, the participants share data related to trade obligations created during the transaction of business to business commerce, and changes or corrections to the trade obligations. The participants enter into contractual relationships with regard to the actual settlement and financing of these obligations. Preferably, these agreements are standard between the clearinghouse and all other participants including finance providers and prospective investors in trade receivables.

Turning to FIGURE 3, the clearinghouse 10 preferably includes a funds settlement apparatus 12, such as a receivable trust, utilized by the clearinghouse and all its participants. Cash settlements between the clearinghouse 10 and its participants

preferably occurs daily. In an embodiment, several types of participants utilize the clearinghouse 10 such as receivable owners, receivable debtors, and financial providers.

The receivable owner, e.g., supplier 14, agrees to provide summary data on its receivables and settle certain of its trade receivables through the clearinghouse 10. Similarly, the receivable debtor, e.g., purchaser 16, has agreed to provide summary data on its payables and settle its trade obligations via the clearinghouse 10.

As shown in FIGURE 2, two additional participants can include the supplier's finance provider 18 and the purchaser's finance provider 20. In an embodiment, besides providing financing to the supplier 14, the supplier's finance provider 18 is a financial institution that agrees to take on the performance risk of the receivable owner 14 for certain representations and warrants for which it agreed to when becoming a clearinghouse participant. In addition, the supplier's finance provider 18 may act as the representative of the receivable owner 14 when the receivable owner trades through a clearinghouse trade receivable marketplace 22.

Likewise, in an embodiment, the purchaser's finance provider 20 is a financial institution that, along with providing financing, agrees to take on the performance risk of the receivable debtor 16 for certain representations and warrants for which it agreed to when becoming a clearinghouse participant. Moreover, the purchaser's finance provider debtor sponsor 20 may act as the representative of the receivable debtor 16 when the receivable debtor executes a trade through the clearinghouse trade receivable marketplace 22.

In an embodiment, one or more other financial institutions 24 may offer to provide financing to the receivable owner 14, as well as coordinate cashflow to and from the clearinghouse 10 on behalf of the participants. Such financing can be provided, for example, through the purchase of the debt obligations of the purchaser 16 owing to the supplier 14, or through the lending of funds to the purchaser or subsequent owner secured by the purchaser obligations. They may also provide currency exchange products and services. The financial institutions 24 preferably agree to the legally

binding transfer of ownership and assignments of security interests as reflected in the records of the clearinghouse 10.

The clearinghouse trade receivable marketplace 22 provides a forum within the clearinghouse 10 that allows financial institutions 24, on their own behalf as well as on behalf of the current owner of a receivable, to buy or sell an obligation of the purchaser 16 to make a payment under a specific receivable to other clearinghouse participants.

Preferably, a contractual relationship is a prerequisite to a participant's participation within the clearinghouse 10. Participants agree to resolve receivable and payable disputes through the clearinghouse 10, track their resolution, and be bound by execution of a digital signature. The participants further agree to follow predetermine reporting and funding procedures. These procedures can include: summary information on receivables to be settled through the clearinghouse 10; notification of receivable ownership/interest changes; and, notification of debit/credit balances in the funds settlement apparatus 12.

In an embodiment, each participant acknowledges the ability of the clearinghouse to track and grant security interests in receivables and the funds in settlement apparatus 12 on behalf of the supplier 14, or the current receivable owner, if different. The transfer of ownership in the receivables and payment obligations, and the granting of security interests are authorized by the execution of an electronic signature. The supplier 14 and purchaser 16 are preferably bound to provide predetermined information on receivables and payables to each other through the clearinghouse 10. The receivables and payables information are matched and tracked through the clearinghouse 10, preferably via the data management and reporting module 28. The supplier 14, or subsequent owner of the receivables, agrees to accept payment for the receivables through the funds settlement apparatus 12, e.g., the receivable trustee transfers funds from the receivable debtor 16 designated accounts to the receivable owners designated accounts at the receivable trust 12. Similarly, the receivable debtor 16 will make a payment of all of its payables to a designated account at the receivable trust 12.

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The supplier 14 (receivable owner) and purchaser 16 (receivable debtor) electronically communicate with the clearinghouse 10 the status of receivables and payables. Preferably, these electronic communications to and from the clearinghouse 10 are legally binding contractual obligations. The status of a clearinghouse item may be:

5 no-match, match, approved release date, confirmed (i.e., receivable debtor will pay the stated amount on the stated date), re-confirmed (i.e., the receivable debtor's obligation is backed or guaranteed by a financial institution), etc. In an embodiment, the payment date is the actual date payment is made. Preferably, the funds settlement trust 12 has the ability to net payments of a participant's receivable and payable accounts. These net

10 payments are preferably executed on a daily basis.

Upon the confirmation of an invoice amount (when the receivable debtor 16 specifically agrees to pay a certain amount on a certain date), the receivable debtor agrees that the obligation thereafter is absolute, binding, with no rights of set-off. In addition, the receivable debtor 16 acknowledges that the receivable owner 14 may sell, assign,

15 pledge, and transfer ownership within the receivable clearinghouse 10 without the consent or knowledge of the receivable debtor. The supplier 14, or a subsequent receivable owner, can offer the cashflow obligations of the receivable debtor 16 to other participants of the clearinghouse 10 on a confidential "double-blind" basis, i.e., confidential regarding underlying business transaction as well as the supplier 14 and the

20 prospective receivables purchaser, or receivable owner, through the receivable trading apparatus 22.

The receivable owner 14 and financial provider 18 utilize standard documents for financing receivables. The receivables are financed by the purchase of the receivables, the purchase of an ownership interest in the receivables or a pool of receivables, or the

25 pledging of a security interest. Both the receivable owner 14 and the financial provider 18 agree to accept the risk of clearinghouse bookkeeping regarding ownership and security interest issues. All payments for financing are accepted through book entry debits and credits with the funds apparatus 12 based on the reporting of the clearinghouse

10. In an embodiment, the receivable owner 14 grants access, via the clearinghouse 10, to finance providers, with respect to information pertaining to any receivable for which the financial provider 18 is interested.

Information pertaining to the receivables and payment data is transmitted between the participants and the clearinghouse 10, preferably via data management and reporting 28, on a daily basis. The type of information transmitted depends on the participants involved.

Receivable Owner and Clearinghouse

The supplier 14 sends information on new and existing receivables to the clearinghouse 10. The information sent regarding new receivables may include the purchaser 16, amount, invoice number and date due. The information sent pertaining to existing receivables may involve any of the following: changes requested by the purchaser 16 and accepted or modified; new or revised clearinghouse terms; or, confirmation of the sale of a receivable through the trade receivable marketplace 22. The supplier 14 or a subsequent receivable owner 14 also sends confirmation of settlement to the clearinghouse 10 wherein deposit or withdrawal from the funds apparatus 12 is confirmed.

The receivable owner (whether the original supplier 14 or a subsequent receivable owner) can access the clearinghouse marketplace 22 via a trading web-page. At the web-page, the receivable owner can search for receivables to purchase; post receivables to sell; and, inform the clearinghouse 10 of an offer.

The information sent or made available by the clearinghouse 10 to a receivable owner 14, such as the supplier 14, can include: projected future clearinghouse credits; receivable status, i.e., no-match, match, approved, release-date; and, confirmations, reconfirmations, and changes noted or requested by the purchaser 16 related to the current owner or sponsor.

The clearinghouse 10 sends or makes available the receivable owner 14 a daily settlement report. The report contains an itemized net payment due to or from

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receivables and payables, and the sale of any receivables; and, cash delivery failures on past settlements.

Receivable Debtor and Clearinghouse

The clearinghouse 10 sends or makes available to the receivable debtor 16 information on new invoices which the clearinghouse received from receivable owners 14, e.g., seller, amount, purchase order, product description, terms, clearinghouse terms (discounts offered for affirmations, confirmations, and reconfirmations). In an embodiment, the receivable debtor 16 compares electronically this information with its own accounting system information regarding payables.

The receivable debtor 16 sends to the clearinghouse 10 information on existing payables invoices, such as: affirmations (full or partial); confirmations; and requests for reconfirmation (by receivable debtor sponsor or a specific financial provider). Also sent is information related to changes noted or requested by receivable debtor 16, the current owner or sponsor.

Similar to the information sent or made available to the receivable owner, the clearinghouse 10 sends or makes available the receivable debtor 16 daily settlement reports. The report contains an itemized net payment due on its payables, net of any awards it is to collect if it is also a receivable owner 14, and cash delivery failures on past settlements.

The receivable debtor also sends information pertaining to the confirmation of settlement to confirm payments from the funds apparatus 12.

Financial Provider and Clearinghouse

The clearinghouse makes available daily listings of invoices and information or receivable debtor obligations for those the receivable owner 14 had provided access to the financial provider 24. These listings are categorized by receivable owner 14, receivable debtor 16, and any type of ownership interest guaranteed to the finance provider. The listing by receivable owner is further defined by existing (by type of clearinghouse terms), new additions, and changes to existing invoices. In an

embodiment, information such as listings can be made available by the clearinghouse on a global basis by using, for example, the Internet.

The financial provider 24 notifies the clearinghouse 10 of settlement deposit instructions, such as, payment instructions on receivable payments and loan payment instructions to the funds apparatus 12.

The financial provider 24 can access the clearinghouse marketplace 22 via a web page for trading receivables. At the web page, the financial provider 24 can search for receivables to purchase, post offers to sell certain receivables, notify clearinghouse of offers and the acceptance of offers. The financial provider 24 also receives a daily settlement report issued by the clearinghouse 10.

Receivable Owner Sponsor and Receivable Debtor Sponsor and Clearinghouse

The clearinghouse 10 provides a daily report to the receivable debtor sponsor 20 and the receivable owner sponsor 18. Both sponsors are provided information concerning discrepancies relating to the receivable owner or receivable debtor for which it sponsors. The receivable debtor sponsor is further provided with information concerning reconfirmation requests.

In an embodiment, the present invention provides an Internet based clearing center 10 ("Rclearing.com") for tracking, funding, trading and settlement for account receivables, both domestic and international. FIGURES 2 and 3. The Internet based clearing center 10 creates an environment for account payable and receivable processes that significantly lowers traditional processing costs, and allows for more efficient and cost effective financing programs.

Preferably, upon the receipt and initial processing of a purchase order (manually or via Internet, ultimately), and shipping of the goods, the supplier 14 sends new invoice data to Rclearing.com 10 electronically on a daily basis. The invoice information is received by a data repository 26 and Rclearing.com 10 makes available the invoice information to the purchaser 16 on behalf of the supplier 14 via the Internet (email or/and through access to Rclearing.com homepage). Terms of payment are provided in the data,

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with all payment instructions stating that all payments must be made to "Rclearing.com, Inc.", as nominee for the owner of the receivable (initially supplier 14) via Rclearing's Receivable Trust Account (Preferred) ACH/direct debit (recommended), wire transfer or check (to a lockbox owned by Rclearing, Inc.). The purchaser 16 has previously
5 agreed that the payments due under "Rclearing.com payables" may be (or have been) assigned to a third party. But in any case, all payments by the purchaser 16 are to be made to Rclearing.com 10. In addition, within the electronic data the purchaser 16 may be given the option for a discount or extended payment terms, to confirm the exact dollar amount and date of payment, and waive all rights to additional adjustments or set-off. The size of the discount given by the supplier 14 to the purchaser 16 is negotiable,
10 depending upon the dollar amount of the invoice, the date of payment, as well as the credit quality of the confirming entity(if someone in addition to the purchaser 16 confirms the payment as well, i.e., receivable debtor sponsor 20).

The purchaser 16, individually or with a third party (bank or insurance company),
15 has the option of confirming the invoiced amount, and agreeing to the payment terms (date and amount) in order to receive the agreed upon discount or payment terms on the payment amount.

The supplier 14 may continue to pledge or assign its account receivable, whether or not the purchaser 16 accepts the terms of the "confirmation discount." With the
20 payments from the purchaser 16 required to go through Rclearing.com 10, and with the ability to easily create a confirmation process for some or all of the invoiced amounts, the supplier 14 will, most likely, receive better terms on its financing from suppliers finance provider 18. Under this process, payments are less volatile, and cash receipts are easily segregated away from the supplier 14, if necessary.

25 All payable and receivable information is transferred directly to/from the seller's (supplier 14) and the buyer's (purchaser 16) MIS systems (including accounts payable and accounts receivable systems) to Rclearing.com 10. Rclearing.com will provide standard interface apparatus for all major vendors of accounting systems.

A large or small company may join Rclearing.com 10, as either a "receivable participant," (receivable owner 14) a "payable participant," (receivable debtor 16), or a "full participant" (both receivable owner and receivable debtor). The participant will access the Rclearing.com website, and, via a password, allow the transfer of data to and from Rclearing.com and the participant's own systems.

As a "full" or "receivable" participant, all invoicing is done through Rclearing.com 10, via the Internet or through traditional means (if the invoiced entity is not yet Internet friendly). Rclearing.com also collects and reports all confirmations received on invoices (if any). All payments received on receivables (electronic or via lockbox-prior to convincing payer that participation in Rclearing or electronic payments is more beneficial) are through Rclearing.com. Rclearing.com credits the participants receivable trust account 12, (funds settlement apparatus) or forwards funds to the participant on a daily basis. If it is a "full" participant, the amount credited to its funds settlement apparatus 12 will be netted against amount owed on payables.

As a "full" or "payable" participant, all invoices received from suppliers 14, as well as all other payable information is electronically forwarded to Rclearing.com 10 (indirectly from the participant as it receives it, or directly from invoicing company--if it is also a "receivable" participant). The payable is acknowledged, and possibly confirmed, by the participant to Rclearing.com giving Rclearing.com payment instructions. Upon availability of funds in the settlement apparatus 12, Rclearing.com will make payments (preferably electronically) to the appropriate party, per the terms of the invoice and confirmation. Daily net settlements and reporting is done between the participants and Rclearing.com.

"Funding Participants," 18, 20, and 24, who may also be full participants, have the ability to purchase or receive security interests in the receivables held by Rclearing.com as nominee. Disclosure arrangements are predetermined between the funding participants and specific other participants.

Upon the request of the participant owning the receivable, confirmed and unconfirmed receivables may be offered by the receivable owner, or its receivable owner sponsor to financial participants 24 for funding prior to payment date via the receivable trading apparatus 22. Predetermined arrangements, as well as independent "blind" offers may be extended by the owner of the receivable via Rclearing.com, and if accepted, funded through Rclearing.com, and the settlement apparatus 12, the next day. The funding scenarios are many. A funding participant 24 may commit to another participant in the form of a loan or purchase arrangement, may purchase receivables as part of building or owning a portfolio of receivables, or may offer to purchase only discrete receivables, from time to time. All full participants may offer to buy discrete receivables using its sponsor through Rclearing.com on a confidential, no-name basis (blind seller, blind buyer).

Standard legal documentation is preferably executed and binding upon any type of participant (including funding participant 24, supplier finance provider 18, and purchaser finance provider 20) for all receivable sales or transfers, and funding arrangements, as a part of becoming a participant of the clearinghouse 10 (both the customer and participating funding providers). This, in itself, may reduce or eliminate significant legal costs for many funding arrangements.

While the specific embodiment has been illustrated and described, numerous modifications come to mind without significantly departing from the spirit of the invention, and the scope of protection is only limited by the scope of the accompanying Claims.